

Curling, et al. v. Kemp, et al.

EXHIBIT A

June 13, 2018 Email

John Salter

From: Robert McGuire <ram@lawram.com>
Sent: Wednesday, June 13, 2018 6:34 PM
To: Cheryl Ringer; David Lowman; Kaye Burwell; John Salter; Roy Barnes
Cc: Marilyn Marks; Bruce Brown; Cary Ichter; william@nhphlaw.com; Donna Curling; Donna Price; Doug Schoenberg; Adam Sparks; Chapple, Catherine L.; Conaway; David D. Cross; Halsey Knapp; Jane P. Bentrott; John Carlin; Miriyala; Robert Manoso
Subject: 17-0167 Curling, et al v. Kemp, et al: Curling v Kemp - Coalition Plaintiffs proposed schedule
Attachments: 20180613, Schedule Proposed by Coalition Plaintiffs.docx

Dear Counsel for the State Defendants and for Fulton County,

Pursuant to the Court's Order of today (Doc 225, at 1), please see the attached proposed joint schedule. The Curling Plaintiffs' counsel have reviewed and commented on this already; we are now sending it to the Defendants' counsel (for Secretary Kemp, the State Board Members, and the Fulton Board Members,) for your responses and input.

The attached proposed schedule does three things:

- First, it provides deadlines for motions to dismiss ("MTDs") directed at the Coalition's Third Amended Complaint ("TAC") (Doc. 226) and related briefings.
- Second, the proposed schedule provides for discovery to open and to be expedited with an eye to the forthcoming filing of motions for preliminary injunction. As you know, discovery is currently stayed because of the previous assertion of sovereign-immunity defenses against the Second Amended Complaint. Our belief (based in part on your own statements made in the State's own pending MTD filings against the SAC) is that the new TAC is not amenable to any non-frivolous sovereign immunity defenses, and the pared-down SAC is not subject to those defenses any longer. Accordingly discovery should now open. To this end, the attached proposed schedule calls for the Defendants to serve notice by June 22 (next Friday) indicating whether they will actually be raising a Rule 11(b)(1)-compliant sovereign immunity defense to the TAC when they file their MTDs directed at the TAC, and also indicating whether they believe the pared-down SAC remains. In the absence of sovereign immunity remaining a live, non-frivolous issue in the case, discovery should open so this case can move forward and be decided on the merits.
- Third, the proposed schedule provides for motion and briefing deadlines and a hearing on Plaintiffs' forthcoming motions for a preliminary injunction in time for the November election.

The Judge has asked us to file a proposed schedule by no later than June 20 (next Wednesday). As soon as we can have the position of Defendants Secretary Kemp, the State Board Members, and the Fulton Board Members, we can incorporate your comments to the extent they are agreeable. If you are unable to join in the schedule we have proposed, then please respond with a schedule that you prefer, and we can always file both as competing alternatives.

Please let us hear back from you at your earliest opportunity.

Thanks very much.

Best,
Robert McGuire

ROBERT A. MCGUIRE, III

***** NOTE NEW CONTACT DETAILS BELOW *****

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